Message

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**Subject:** OCSPP News for August 18, 2021

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- The Hill 08/17; PFAS are vital to enabling our lives in the 21st century
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**House Panel Leaders Demand EPA Answers on Chemical Safety**
Pat Rizzuto, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/house-panel-leaders-demand-epa-answer-chemical-safety-concerns?context=search&index=14

Three senior House committee and subcommittee leaders told the EPA on Tuesday to promptly answer allegations that it pressured staff to downplay health concerns about chemicals so they would appear safer than they may be.

Reps. Frank Pallone, Jr. (D-N.J.), chairman of the House Energy and Commerce Committee, and two subcommittee leaders—Diana DeGette (D-Col.) on Oversight and Investigations, and Paul D. Tonko (D-N.Y.) on Environment and Climate Change—demanded in a letter a briefing and answers from the Environmental Protection Agency by Aug. 31.

Their letter cited four whistleblowers who alleged the agency downplayed for years the dangers of new chemicals and inappropriately interfered with risk assessments carried out for the Toxic Substances Control Act. Each whistleblower is a current or former staffer in EPA's Office of Chemical Safety and Pollution Prevention.

The EPA will respond to the committee as part of its commitment to investigating alleged violations of scientific integrity, an agency spokesperson said in an emailed reply to questions.

The agency's chemicals' office already has hired an outside vendor to examine concerns raised about new chemicals. The whistleblowers still employed at the agency won't be targeted for retribution, the EPA said.

"Retaliation against EPA employees for reporting violations alleged to have occurred will not be tolerated in this administration," the agency's email said.

Daniel Rosenberg, an attorney for the Natural Resources Defense Council, recently echoed those concerns, telling Bloomberg Law that industry's undue influence over EPA's new chemicals program preceded the Trump administration, which greatly amplified industry's voice.

Public Employees for Environmental Responsibility spotlighted the whistleblowers' allegations in June.

(Updated to include EPA response and additional information.)
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**US lawmakers question EPA over 'troubling' TSCA new chemicals complaints**
Julia John, Chemical Watch
https://chemicalwatch.com/319003/us-lawmakers-question-epa-over-troubling-tsca-new-chemicals-complaints

Leaders of the US House of Representatives' Energy and Commerce Committee have requested details from the EPA on "concerning reported irregularities" within its TSCA new chemicals programme.

The legislators' letter follows calls for Congressional action, spurred by accusations that EPA managers long downplayed the possible hazards of certain substances, allowed interference in TSCA risk assessments and retaliated against staff members who spoke out.

The agency's chemicals office has already announced it will appoint an independent group to evaluate the office's policies, and the agency's internal watchdog has also launched an inquiry into the assessment of new chemicals.

In the letter sent on 17 August, committee chairman Frank Pallone, Jr (D-New Jersey), Oversight and Investigations Subcommittee chair Diana DeGette (D-Colorado) and Environment and Climate Change Subcommittee chair Paul Tonko (D-New York) asked for verbal and written answers explaining:

the EPA's knowledge of the complaints' truthfulness and what the agency has done to examine them;
any potential plans, including target dates, to revisit substances because their assessment may have undergone tampering; and
any current or future steps to better defend whistleblowers, including timelines and the responsible agency office.
"EPA's scientific staff must be able to perform their work of protecting human health and the environment free from inappropriate interference and retaliation," Mr Pallone, Ms DeGette and Mr Tonko said. "The allegations made by the four whistleblowers are troubling, and, if true, raise serious concerns about EPA's implementation of TSCA and about protections for EPA employees."

The EPA told Chemical Watch the agency "looks forward to reviewing the request from the committee and will respond accordingly", but declined to say when it would do so.
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**NGOs advocate for 'front-loaded' TSCA reporting over tiered approach**
Kelly Franklin, Chemical Watch
https://chemicalwatch.com/319181/ngos-advocate-for-front-loaded-tsca-reporting-over-tiered-approach

Environmental advocacy groups have called on the US EPA to abandon its plans to develop a 'tiered' data reporting rule and instead pursue a single, 'front-loaded' reporting mandate requiring information as soon as a substance is identified as a candidate to be prioritised for a TSCA risk evaluation.

Moreover, the NGOs have pressed the agency to expand, rather than contract, chemical data reporting (CDR) obligations, as they continue to pressure the EPA to use its TSCA reporting authority to ensure it has sufficient information to conduct reviews of existing chemicals on tight deadlines.

The EPA outlined plans on 27 July for a tiered data reporting (TDR) scheme that would require manufacturers and processors to submit a variety of information on substances at varying stages of the existing chemicals review process.

But the Environmental Defense Fund said tiered reporting "is the wrong approach". The agency "should start broadly at the outset", and "front-load" its TSCA section 8 information collection to take place before the EPA begins the formal prioritisation process of designating substances as low- or high-priority for risk evaluation, it said in 16 August comments.

A coalition of five NGOs agreed that the three-tiered reporting approach outlined by the EPA may not provide data when it is needed.

"TSCA imposes tight deadlines for prioritisation, risk evaluation and risk management that constrain EPA's ability to collect and analyse additional information once these activities are underway," said the coalition, which includes Safer Chemicals Healthy Families (SCHF) and the Natural Resources Defense Council (NRDC).

If the agency has not identified data gaps in advance, the agency will not have time to mandate testing under section 4 and analyse those results in time to inform evaluations, they said.

The EPA instead should develop a strategy that involves "a single comprehensive reporting rule triggered when chemicals are added to the 'candidate list' for prioritisation", they said.

Industry advocates tiered approach
Industry groups, however, broadly support the tiered approach and questioned whether the agency has the legal authority to impose a sweeping data collection early in the process.

The American Chemistry Council, for example, said the agency should "develop and apply a methodical, stepwise process incorporating tiered, iterative steps with gradually increasing information/data requirements for the prioritization and risk evaluation processes."

Speciality chemicals group Socma said the agency should "resist calls to 'start big' and require 'comprehensive' data collection from the outset."

Congress intended for information generation and reporting under TSCA "to be tiered and to employ screening approaches", Socma said in its comments. "It would violate Congressional intent and EPA's own rules for a TDR rule to 'front-load' the process."

'Essential role' of CDR
NGOs also pushed back on the EPA's plans to scale back its chemical data reporting (CDR) rule by reducing the amount and types of data it collects on chemicals covered by the quadrennial reporting scheme.

"EPA's CDR programme is the only systematic means by which the federal government – and by extension, the American public – gets any picture of which chemicals are produced in or imported into this country, by what companies, in what amounts and for what uses," the EDF said. It "strongly opposes EPA scaling back manufacturing, processing and use information collected under the CDR."

The broader NGO coalition said the EPA should "strengthen, not weaken" the scheme. It called on the agency to modify the rule to:

add processor reporting requirements in cases where they use chemicals with known health effects or in high-exposure applications;
apply the lower 2,500 pounds per site reporting threshold to a broader universe of chemicals; and
eliminate reporting exemptions for substances imported as part of articles; and
require reporting on...
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**Vinyl flooring, carpets and rugs next in line for Washington state restrictions**
Terry Hyland, Chemical Watch
https://chemicalwatch.com/319205/vinyl-flooring-carpets-and-rugs-next-in-line-for-washington-state-restrictions

Washington state regulators have signalled plans to restrict phthalates in vinyl flooring and per- and polyfluoroalkyl substances (PFASs) in carpets and rugs under the Safer Products for Washington programme.

Officials from the state Department of Ecology said during a 17 August webinar that they had identified safer, feasible alternatives for the two priority product groups, which could open the door to regulating priority chemicals in those applications.

Ecology also offered an update on its plans for PFAS-containing leather and textile furnishings, saying its latest findings support restrictions on the substance class in furniture and home textiles.

The webinar follows a string of announcements from the department this summer in which it has shared its findings on feasible alternatives and potential regulations for chemicals of concern in 11 priority products.

Road to regulatory action
Ecology is expected to provide a draft report later this year outlining its regulatory plans for the priority products. A final report is due to the state legislature by June 2022, with rules expected by early summer 2023.

Previous webinars have laid out potential alternatives and regulatory responses for:

bisphenols in thermal paper;
polychlorinated biphenyls (PCBs) in paints;
alkylphenol ethoxylates (APEs) in laundry detergents;
flame retardants in recreational foams;
bisphenols in can linings; and
PFAS in stain treatments.
An additional webinar on electric and electronic enclosures containing flame retardants and PCB-containing printing inks is scheduled for 31 August.

Phthalates in vinyl flooring
Phthalates are used as plasticisers to provide softness and flexibility in vinyl flooring, and can be a source of exposure, Ecology said. Environmental and health effects from some of the substances can include endocrine disruption, developmental toxicity, carcinogenicity and aquatic toxicity, according to the department.

Ecology identified seven safer and feasible alternatives to phthalates in vinyl flooring. Three alternatives are marketed by chemical manufacturers as suitable plasticisers:

di(2-ethylhexyl) terephthalate (DEHT, DOTP);
glycerides, castor-oil mono-, hydrogenated, acetates (COMGHA); and
1,2-cyclohexane dicarboxylic acid, diisononyl ester (DINCH).
Another four alternative substances are marketed and often found in mixtures with other plasticisers:

dipropylene glycol dibenzoate (DGD);
acetyltributyl citrate (ATBC);
di(2-ethylhexyl) adipate (DEHA); and
soybean oil, epoxidised (ESBO).
The department also said alternative types of flooring could be used in place of phthalate-containing vinyl material, such as linoleum, solid wood floors, ceramic tiles or PVC-free resilient flooring.

PFASs in carpets and rugs
Ecology identified a number of alternatives to the use of PFASs in carpets and rugs, saying its findings support restrictions on the substance class.

The department defines PFASs as "a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom". The persistent substances are used in carpets and rugs to bolster soil and water resistance and prevent staining, it said. But many can bioaccumulate in humans and the environment and can have developmental or systemic toxic effects.

Viable alternatives to PFAS-treated carpets include the use of untreated products that modify the shape of fibres to increase soil resistance or use stain or soil-resistant fibres. There are also PFAS-free chemical alternatives for treating carpets, Ecology said, including:

acrylate copolymer; and
substances that meet Cradle to Cradle's (C2C) platinum-level certification.
The department said it is also determining whether other PFAS-free C2C-certified chemicals may meet the state's safety criteria.

Safer and feasible alternatives are also available for rugs, Ecology said, including untreated rugs using stain-resistant fabrics and rugs treated with acrylate copolymers.
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**EPA accused again of compromising chemical safety assessments**
Rebecca Trager, Chemistry World
https://www.chemistryworld.com/news/epa-accused-again-of-compromising-chemical-safety-assessments/4014203.article

Four scientists who work in the US Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention are continuing to accuse higher-ups at the agency of compromising the scientific integrity of chemical assessments it produces, stepping up their allegations.

Last month, the scientists asserted that managers at the EPA's chemical safety office have 'improperly altered' safety assessments of new and existing chemicals for years. And now they allege in a new disclosure that top brass at the agency are prohibiting them from seeking the expert input of colleagues on new chemicals safety assessments.

The US non-profit Public Employees for Environmental Responsibility (Peer), which represents the four EPA whistleblowers, says they are concerned that this ban on communication with other specialists is hampering safety assessments of new chemicals before they are rushed to market.

'In their disclosure, scientists recounted being reprimanded for reaching out to other employees for advice and confirmation of their work,' Peer states, emphasising that this issue is critical because the EPA's new chemicals division does not have sufficient staff trained in key specialty areas involved in chemical risk assessment, such as inhalation toxicology, nanotechnology and cancer biology. Therefore, the organisation says, the best way to fill in knowledge gaps is by consulting with other specialists.

This prohibition on conferring with co-workers who have previous experience with particular chemicals leads to needless duplication of work at the EPA, and it wastes staff time as well as taxpayer dollars, Peer argues. The organisation is calling on the agency's head of chemical safety and pollution prevention, Michal Freedhoff, to adopt a policy prohibiting restrictions on intra-agency communications. Peer is also urging her to discipline managers responsible for putting in place the prohibition in question.

Although the organisation would not provide a copy of the newest disclosure, Peer says in it the EPA scientists recount that key managers at the agency frequently jump between their government jobs and the chemical industry, often ignore risk indicators and intimidate staff into signing off on chemical assessments with insufficient data to reach a conclusion.

For its part, the EPA is pushing back against these allegations, insisting that its chemical safety office has no rule that prevents internal information sharing.

'This is not a policy within the Office of Chemical Safety and Pollution Prevention,' said EPA spokesperson Tim Carroll in a statement. 'This administration is committed to ensuring that science is the backbone of everything we do as an agency,' he added. 'That includes a steadfast commitment to fostering a culture that promotes an open exchange and collaboration amongst all employees and includes coordinating with their management chain as appropriate so supervisors are aware of what staff are working on.'

Meanwhile, Peer says it is receiving additional information from scientists who used to work with the EPA's Office of Chemical Safety and Pollution Prevention, or currently work there, and it is likely that four more disclosures will be filed shortly.
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**Environmental survey finds Gurnee residents most concerned about EtO emissions**

Erin Yarnall, Chicago Tribune

https://www.chicagotribune.com/suburbs/lake-county-news-sun/ct-lns-gurnee-village-board-st-0821-20210818-3tsqiwkb4baqdfisoqaq7ryaka-story.html

While the climate and sustainability are major issues worldwide, and are some of the highest-profile problems that world leaders are tackling, local leaders are also taking a look at how their communities can have a positive environmental impact on a smaller scale.

That includes Gurnee's Environmental Sustainability Committee, which spoke Monday to the Village Board for the first time since its formation last year about how they can begin making an impact within the municipality.

The group was created in November of 2020 in order to examine the environmental needs of the Gurnee community, and consists of three members: Gurnee residents Shelley Lazarus, Rick Osa and Warren Township High School student Kaitlyn Salgado.

All three were in attendance at the meeting, and reported to the board about the findings of a recent survey that the group conducted.

The survey asked participants what they see as the top environmental concerns within Gurnee, and not surprisingly the main answer was ethylene oxide (EtO) emissions from the Vantage Specialty Inc. plant, a chemical supplier at 3938 Porett Drive.

"Obviously, EtO is the big concern," Lazarus said, while discussing the findings of the survey during the meeting.

According to a Friday update on the village website, Vantage is within its permitted emission cap. That was based on stack monitoring and fugitive emissions results that the village received from the Illinois Environmental Protection Agency.

Vantage is allowed to emit 110 pounds of emissions annually, with no more than 60 pounds of that being fugitive emissions, meaning leaks or other irregular releases of gases or vapors from the facility.

So far this year, Vantage has released 11.48 pounds, with 5.71 of those being fugitive emissions. The most recent leak was detected in June, which was resolved the same day it was detected, according to the village website.

Other significant concerns for survey participants included air quality and drinking water. Land management, which includes tree protection and invasive species, was also mentioned by participants as a concern, as well as noise from trains and Six Flags.

The survey was taken by 274 people, of which 90% are Gurnee residents and 10% are nonresidents who either work in Gurnee or "have an interest in Gurnee," according to Salgado.

Nearly 60% of the residents that responded said that they have lived in Gurnee for more than 16 years, and 97% of the residents own their homes.

Osa said during the meeting that the survey did have its limitations. It was distributed to participants through a community newsletter, as well as on social media.

"It's not truly a cross-section, but it most likely represents feelings and priorities of those who are most interested in the environment," he said.

He added that the committee's next steps will be looking for opportunities to address the "overwhelming concern" that the community has about ethylene oxide emissions, and will bring recommendations to the Village Board.

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**House Democrats Press EPA For Briefing On Staffers' TSCA Allegations**
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/house-democrats-press-epa-briefing-staffers-tsca-allegations

Democrats on the House Energy and Commerce Committee are demanding a briefing from EPA on staffers' claims of management interference in TSCA new-chemicals reviews, escalating the response to those allegations just as toxics chief Michal Freedhoff is bolstering her own push for transparency at the chemicals program.

In an Aug. 16 letter to EPA Administrator Michael Regan, three high-ranking Democrats on the committee that oversees much of EPA's work seek both an in-person briefing and responses to written questions on what they say are "concerning" allegations from four agency staffers regarding the Toxic Substances Control Act (TSCA) new chemicals program.

"The Committee has a longstanding interest in ensuring EPA's implementation of TSCA is based on sound science. We also firmly believe EPA's scientific staff must be able to perform their work of protecting human health and the environment free from inappropriate interference and retaliation. The allegations made by the four whistleblowers are troubling, and, if true, raise serious concerns about EPA's implementation of TSCA and about protections for EPA employees," reads the letter.

It is signed by Reps. Frank Pallone Jr. (D-NJ), the full committee chairman, Diana DeGette (D-CO), who chairs the oversight subcommittee, and Paul Tonko (D-NY), who chairs the environment and climate change subcommittee.

The letter appears to mark Congress' first formal response to the staffers' claims that managers interfered in their reviews of new chemicals to loosen risk conclusions, lighten burdens on industry and block them from coordinating with other scientists, among other claims.

EPA has not denied the staffers' allegations though Biden administration officials have raised scientific integrity concerns regarding several chemical evaluations conducted during the Trump administration and renewed a pledge from Administration Michael Regan to scrutinize potential violations.

"This Administration is committed to investigating alleged violations of scientific integrity," the agency told Inside TSCA in response to the staffers' allegations.

"It is critical that all EPA decisions are informed by rigorous scientific information and standards. As one of his first acts as Administrator, Administrator Regan issued a memorandum outlining concrete steps to reinforce the agency's commitment to science," the agency's statement said.

"EPA is committed to fostering a culture of evaluation and continuous learning that promotes an open exchange of differing scientific and policy positions. Additionally, retaliation against EPA employees for reporting violations alleged to have occurred will not be tolerated in this administration," the agency' statement added.

The whistleblowers sent their initial complaint to Rep. Ro Khanna (D-CA), who chairs the House Oversight Committee's environment panel, asking him to press EPA's Office of Inspector General (OIG) to investigate the new-chemicals office.

The OIG is investigating such claims though the office says it is due to a hotline complaint.

Internal Memo

The lawmakers' letter comes just one day after EPA chemicals chief Michal Freedhoff sent an internal memo to OCSPP staff urging them to coordinate within or across individual divisions of the office -- an apparent effort to push back

against not only the whistleblowers' claims of stifled communication but separate allegations that the office forbids risk assessors from reaching out to senior staff on their work in some circumstances -- though EPA has denied that any such policy exists.

"It is vital to the success of OCSPP as we work together to protect human health and the environment that we foster and embrace a culture that promotes teamwork and an open exchange of ideas. Our work is only improved when we build off of each other's expertise and experience -- which can happen across teams in your branch, across branches in your division, and across divisions," she wrote.

"However," Freedhoff...
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**OPINION: Teflon might be in your makeup. Here's what you should know**
Nedra Rhone, The Atlanta Journal-Constitution
https://www.ajc.com/life/opinion-teflon-might-be-in-your-makeup-heres-what-you-should-know/DAOKR4635RC2PFS5FBLEWJ3TVU/

More than a decade ago when I was the mom of a newborn, one of the items on my "things to worry about" list was the products that I put on my face and body. We are a family of kissers and huggers and for me, part of keeping my child safe meant doing a full audit of the ingredients in my personal care products.

I discovered on the mission to "green" my beauty routine that more than a few of my favorite products contained ingredients that are known carcinogens, neurotoxins or endocrine disrupters. So I dumped them or vowed not to wear certain ones around my infant daughter.

A recent study from researchers at the University of Notre Dame sent me running back for yet another makeup check. The culprit this time? Per- and polyfluoroalkyl substances, aka PFAS, more than 4,000 chemical compounds that last forever and are potentially toxic to humans.

Since the 1950s, PFAS have been used in a range of products, such as firefighting foam, coated fabrics, carpets and nonstick cookware, because they have properties that resist heat, oil, stains, grease and water. In makeup, they are used to enhance wearability. Products labeled as long-wearing, sweatproof or waterproof contained particularly high levels of PFAS, according to the study published in the Journal of Environmental Science & Technology Letters. Researchers found high levels of fluorine, an indicator of PFAS, in more than half of the 231 cosmetic products tested.

"(PFAS) are associated for most people with Scotchgard and nonstick pans, but these chemicals, the entire family of PFAS, have found incredible lifestyle use — food wrappers, treatment of clothing, upholstery. Cosmetics have gotten so much attention because these are products people are applying directly to their skin," said David Andrews, senior scientist for the Environmental Working Group (EWG). "It is so completely unnecessary. There are other ingredients that provide the same benefits as PFAS."

With cosmetics, the danger lies not only in the possibility of ingesting the chemicals but also washing those PFAS-containing products down the drain and adding more of the chemicals to waterways.

Georgia figures prominently in the fight against PFAS, at least as far as water contamination. Two 2019 lawsuits in Georgia allege that carpet manufacturers in North Georgia have polluted waterways and sources of drinking water with PFAS for years.

In June, a Georgia federal judge implied some of the legal liability for PFAS — which has traditionally fallen on chemical manufacturers like DuPont and 3M — should fall to companies that use the chemical in consumer products, according to a recent article in the National Law Review. That would mean carpet makers in Dalton, paper makers in Maine and maybe even cosmetics companies could find themselves tied up in costly civil litigations in the future.

The average woman uses 12 personal care products in a single day. When you add that to PFAS absorbed from all the other sources in our homes, including the water we drink, these non-degrading chemicals accumulate in our bodies and can put our health at risk.

Increased cholesterol levels, changes in liver enzymes, increased risk of high blood pressure or preeclampsia in pregnant women, small decreases in infant birth weights and increased risk of kidney or testicular cancer are just a few of the health risks that the Centers for Disease Control and Prevention has linked to the chemicals. The agency recently issued a statement indicating evidence that PFAS can reduce antibody response to vaccines such as the COVID-19 vaccine.

In the cosmetics study, 52% of the 231 products across eight categories tested contained fluorine. High levels were found in 63% of foundations, 58% of eye products, 55% of lip products and 47% of mascaras. Particularly high fluorine levels were found in products advertised as "wear-resistant" or "long-lasting," including waterproof mascara, liquid lipstick and foundations. Only 8% of the products containing...
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**In-depth: Agricultural workers say herbicide is increasing their risk of getting Parkinson's Disease**
Anthony Hill, ABC Action News
https://www.abcactionnews.com/news/in-depth/in-depth-agricultural-workers-say-herbicide-is-increasing-their-risk-of-getting-parkinsons-disease

A legal battle is brewing in Florida over a popular pesticide called paraquat. Many people in the agriculture industry have said exposure to paraquat increases the risk of getting Parkinson's Disease.

ABC Action News In-depth reporter Anthony Hill took a closer look at the chemical, the claims that it's dangerous and the government's approval of its use.

"Farmers had no clue. They didn't know about these risks associated with paraquat when they were using and spraying the product," said attorney David Dickens with the Miller Firm. He said he represents about 750 people, including 40 in the Tampa Bay area. "And so certainly in the Tampa area we have clients and we're receiving phone calls every day as more and more information comes out."

Dickens said the firm is filing a class-action lawsuit for Florida agriculture workers who believe they were put at a higher risk of getting Parkinson's Disease due to their exposure to paraquat, which is widely used to kill weeds and grass. The herbicide is so toxic that you need to be certified to use it and paraquat is banned in European Union countries.

"Many things affect them. First, their skin. They also have irritations and allergies. It also affects their eyes. It always stings their eyes. Something very important is that it affects their respiratory system," said Isaret Jeffers with Coletivo Arbol, an organization that advocates for migrant agricultural workers.

Jeffers told Hill she doesn't know much about paraquat, but that many workers have complained about herbicides affecting them.

"What we have to do is protect them. Give them information, give them masks, to drink water, to have special types of soaps to protect their skin from irritation," said Jeffers.

Hill asked her if companies usually provide safety gear for migrant workers and Jeffers responded, "As far as I know, some companies do, for workers who come for temporary work, but the majority, I'm sure that each one buys their own tools, gloves, glasses if they need them."

"This is a nasty chemical," said Dickens. "It's one that probably shouldn't be on the market, but if you're going to use it, make sure you take those precautions and if you see any symptoms of Parkinson's, make sure you go see your doctor

and get it checked out."

The EPA recently re-evaluated paraquat and found no direct link between the herbicide and Parkinson's Disease, but in July the EPA did post a notice that it is "requiring mitigation measures to reduce risks associated with paraquat in order to protect human health and the environment."
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**EPA to Ban Pesticide Chlorpyrifos From Use on Food Crops**
Pat Rizzuto, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/epa-to-ban-pesticide-chlorpyrifos-from-use-on-food-crops?context=search&index=0

Chlorpyrifos will be banned from use on food crops to protect children's developing brains, the EPA said Wednesday in a decision that will deprive farmers of an insecticide commonly used on corn, soybeans, broccoli and other edible crops.

Farmers must stop using the pesticide within six months, the Environmental Protection Agency said. The agency said it would decide by 2022 whether chlorpyrifos can continue to be used on golf courses, in nurseries and for other non-agricultural purposes.

"Today EPA is taking an overdue step to protect public health. Ending the use of chlorpyrifos on food will help to ensure children, farmworkers, and all people are protected from the potentially dangerous consequences of this pesticide," Administrator Michael Regan said.

The EPA's decision is a response to a court order for an analysis of the controversial chemical. The U.S. Court of Appeals for the Ninth Circuit in April told the agency to decide by Aug. 20 whether it would ban chlorpyrifos uses in food or determine how much to reduce the amount allowed.

The findings were welcome news to Earthjustice, which represents a coalition of environmental, farmworker, and children's health groups that sued the EPA after it refused to ban the food uses of chlorpyrifos, which affects the nervous system.

"It took far too long, but children will no longer be eating food tainted with a pesticide that causes intellectual learning disabilities," said Earthjustice attorney Patti Goldman in a statement.

The EPA's interim decision about chlorpyrifos uses doesn't address its potential to harm endangered species such as orcas, Pacific salmon, and steelhead trout. The agency will issue a final registration decision after it completes the endangered species assessment and interagency consultation.

The agency's decision marks a step forward, "but chlorpyrifos is just one of dozens of organophosphate pesticides in our fields that can harm children's development. EPA must ban all organophosphates from food," Goldman said.

Changing Administrations, Conclusions
Chlorpyrifos has been the most widely used pesticide of its type, according to EPA statistics. It works by blocking an enzyme that controls messages traveling between nerve cells. When the enzyme is blocked, the nervous system malfunctions killing pests.

The EPA under President Barack Obama sought to ban food uses to protect children in particular from potential problems such as autism, low IQ and learning disabilities. But the pesticide's connection to such problems was based on epidemiological studies—observations of select groups of people over time—which pesticide and chemical makers say are difficult to control.

The Trump administration viewed the science differently saying it remained unresolved and the pesticide might safely

be used. That prompted an outcry by some Congressional Democrats who introduced legislation to ban chlorpyrifos and certain other pesticides.

Meanwhile registrants Corteva Inc. and Dow Chemical Co. have faced a wave of toxic tort cases. Other companies that have sold pesticides containing chlorpyrifos include the BASF Corp., FMC Corp., Drexel Chemical Co., and Nufarm Americas, Inc., according to federal and state registration data compiled by Purdue University's National Pesticide Information Retrieval System.
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**E.P.A. to Block Pesticide Tied to Neurological Harm in Children**
Coral Davenport, New York Times
https://www.nytimes.com/2021/08/18/climate/pesticides-epa-chlorpyrifos.html

The Biden administration announced on Wednesday that it is banning a common pesticide, widely used since 1965 on fruits and vegetables, from use on food crops because it has been linked to neurological damage in children.

The Environmental Protection Agency said this week it would publish a regulation to block the use of chlorpyrifos on food. One of the most widely used pesticides, chlorpyrifos is commonly applied to corn, soybeans, apples, broccoli, asparagus and other produce.

The new rule, which will take effect in six months, follows an order in April by the Ninth Circuit Court of Appeals that directed the E.P.A. to halt the agricultural use of the chemical unless it could demonstrate its safety.

Labor and environmental advocacy groups estimate that the decision will eliminate more than 90 percent of chlorpyrifos use in the country.

In an unusual move, the new chlorpyrifos policy will not be put in place via the standard regulatory process, under which the E.P.A. first publishes a draft rule, then takes public comment before publishing a final rule. Rather, in compliance with the court order, which noted that the science linking chlorpyrifos to brain damage is over a decade old, the rule will be published in final form, without a draft or public comment period.

The announcement is the latest in a series of moves by the Biden administration to re-create, strengthen or reinstate more than 100 environmental regulations.

"Today E.P.A. is taking an overdue step to protect public health," the agency's head, Michael S. Regan, said. "Ending the use of chlorpyrifos on food will help to ensure children, farmworkers, and all people are protected from the potentially dangerous consequences of this pesticide."

Environmental organizations, health advocates and groups representing farm workers have long sought to stop the use of the chlorpyrifos, after studies showed exposure to the pesticide was linked to lower birth weights, reduced I.Q.s and other developmental problems in children. Studies traced some of those health effects to prenatal exposure to the pesticide.

Several of those groups last year petitioned the E.P.A. to reverse a Trump-era decision not to ban the use of the chemical.

"Pesticides like chlorpyrifos haunt farm workers, especially parents and pregnant women," said Elizabeth Strater, director of strategic campaigns for United Farm Workers of America, one of the groups on the petition. "They don't hug their kids until they change clothes, they wash their laundry separately. When they miscarry, or when their children have birth defects or learning disabilities, they wonder if their work exposures harmed their children."

"It took far too long, but children will no longer be eating food tainted with a pesticide that causes intellectual learning

disabilities," said Patti Goldman, an attorney at Earthjustice, another group that signed on to the federal petition. "Chlorpyrifos will finally be out of our fruits and vegetables."

Several states — including California, Hawaii, New York and Maryland — have banned or restricted the use of chlorpyrifos, and the attorneys general of those states, as well as those of Washington, Vermont and Massachusetts, joined the petition.

The Obama administration began the process of revoking all uses of the pesticide in 2015 but, in 2020, the Trump administration ignored the recommendations of E.P.A. scientists and kept chlorpyrifos on the market. That set off a wave of legal challenges.

Those challenges concluded with the court order in April, which gave the E.P.A. a deadline of Aug. 20 to either demonstrate that chlorpyrifos does not harm children or to legally end its use on food crops.

"It is very unusual," Michal Freedhoff, the E.P.A. assistant administrator for chemical safety and pollution prevention, said of the court's directive. "It speaks to the impatience and the frustration that the courts and environmental groups and farmworkers have with the agency."
"The court...
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**EPA bans use of pesticide linked to developmental problems in children**
Rachel Frazin, The Hill
https://thehill.com/policy/energy-environment/568439-epa-bans-use-of-pesticide-linked-to-neurotoxicity-in-children

The Environmental Protection Agency (EPA) has decided to ban the use of a pesticide that has been linked to developmental issues in children from use on foods.

In a statement on Wednesday, the agency said that it was revoking all food tolerances for a chemical called chlorpyrifos, which has been linked to lower IQ, impaired working memory and negative effects on motor development.

The agency said it would be reckoning all "tolerances" which establish how much of a pesticide is permitted in food, through a new final rule. In addition, it will issue a notice outlining its intent to cancel existing registered uses of the chemical.

"Today EPA is taking an overdue step to protect public health. Ending the use of chlorpyrifos on food will help to ensure children, farmworkers, and all people are protected from the potentially dangerous consequences of this pesticide," EPA Administrator Michael Regan said in a statement.

"After the delays and denials of the prior administration, EPA will follow the science and put health and safety first," he added.

The Trump administration had sought to continue the use of chlorpyrifos, issuing a proposal to do so in December. That proposal was never finalized, though, as it was issued shortly before the Biden administration took over.

In its announcement on Wednesday, the EPA indicated that it would continue to review non-food uses of chlorpyrifos.

The latest move follows a court order earlier this year that gave the agency limited time to either find uses for the pesticide that are safe or outlaw it.

"The EPA has spent more than a decade assembling a record of chlorpyrifos's ill effects and has repeatedly determined, based on that record, that it cannot conclude, to the statutorily required standard of reasonable certainty, that the present tolerances are causing no harm," the majority opinion in that case stated.

Organizations that had been fighting to ban the substances celebrated the news Wednesday.

"Today, we celebrate this huge victory alongside the men and women who harvest our food, who have waited too long for a ban on this pesticide," said Teresa Romero, president of United Farm Workers, in a statement.

"We are relieved that farmworkers and their families will no longer have to worry about the myriad of ways this pesticide could impact their lives," Romero added.

Agricultural workers can be exposed to chlorpyrifos through their jobs and the general public can be exposed to through food.

Like the Biden administration, the Obama administration wanted to ban chlorpyrifos, and proposed a rule to do so in 2015.

In 2017, however, then-EPA Administrator Scott Pruitt said further studies were warranted.
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**Trump let this pesticide stay on the market. Under Biden, EPA is banning it on food.**
Dino Grandoni, The Washington Post
https://www.washingtonpost.com/climate-environment/2021/08/18/chlorpyrifos/

The Environmental Protection Agency will ban use of a pesticide widely applied on food crops but linked to neurological damage in children reversing one of the Trump administration's most fraught public health decisions.

The final rule released Wednesday will put a stop to the spraying of chlorpyrifos on fruits and vegetables across the country, to protect the health of both farmworkers dispersing the pesticide and children eating produce treated with it.

The move to curtail use of the potent insect-killing chemical on food overturns a 2017 decision by then-EPA Administrator Scott Pruitt to keep the pesticide on the market despite a recommendation by the agency's scientists to restrict it given its potential risks.

"This comes after more than a decade of science in which it became pretty clear that there were potential neurodevelopmental effects on children that were being observed at lower levels than people had previously thought," Michal Freedhoff, the EPA's top official for chemical safety and pollution prevention, said in a phone interview.

These are the Trump environmental policies that Biden's unraveled

For a half-century, chlorpyrifos has proved effective in keeping all sorts of pests off soybeans, almonds trees, cauliflower and other crops. Farmers often deploy it when no other pesticide can do the job.

But for the past decade, environmental, labor and public health groups have clamored for phasing out the pesticide, which can lead to headaches or blurred vision when inhaled or ingested. Some studies of families in apartment buildings found exposure during pregnancy led to memory loss and other cognitive issues in children.

The EPA is using a 1996 food quality law that strengthened protections for infants and children to issue its ban.

Claudia Angulo, a farmworker who came from Mexico to work the citrus and broccoli fields in California's San Joaquin Valley, was pregnant when she was exposed to chlorpyrifos. She blames the pesticide for her son Isaac's developmental delays, after the chemical showed up in tests on his hair.

"It's affecting a lot of families. We're all being affected, either with allergies or some with disabilities," said Angulo, who

is now part of a class-action lawsuit. “As a mother, I’m still struggling and won’t stop until this pesticide is not harming kids.”

But the industry has taken aim at a key study identifying chlorpyrifos’ risks, conducted by Columbia University. That research focused on illnesses within a specific group of people rather than a direct test on animals, the method EPA has historically used to determine a pesticide’s safety.

Sam Kieffer, vice president for public affairs at the American Farm Bureau Federation, told the EPA in March that the Columbia study is “not supported by verifiable science” since the agency is not able to look at its underlying data.

“AFBF asserts that chlorpyrifos is a valuable crop protection tool with no viable alternative,” he wrote in a comment on the proposed rule.

But Earthjustice managing attorney Patti Goldman, whose group sued the EPA after it permitted continued use of the pesticide, said the “only legally and scientifically defensible action” is to ban its use on food.

“It’s kind of an archaic type of pest management because it just goes after anything," Goldman said. “It’s really old-school. But if something new pops up, then it’ll often be the thing that will be used.”

Several states including California, Hawaii, New York, Maryland, and Oregon — as well as Canada and the European Union — are already phasing out the insecticide on farms. In 2000, federal regulators struck a deal with chemical makers to limit the use of chlorpyrifos for killing termites and other pests in homes.

The EPA was prompted to act by a scathing federal court decision in April that blasted the Trump administration’s decision to keep the chemical on the market. The U.S. Court of Appeals for the 9th Circuit ruled the agency must ban the spraying of [...]

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**Deadly Glyphosate In Your Food? There's No Reason To Panic, New Review Shows**

Cameron English, American Council on Science and Health

https://www.acsh.org/news/2021/08/18/deadly-glyphosate-your-food-theres-no-reason-panic-new-review-shows-15740

If you search for “glyphosate in food,” you'll run headfirst into an endless list of copycat stories, all warning about the dangers of weedkiller-tainted cereal, bread, crackers, baby food, chips, eggs, meat— and basically any other food you can think of. The template is as follows: glyphosate is everywhere; it causes everything from cancer to kidney disease; you should buy Non-GMO Project-verified products to avoid the herbicide.

Here was the first result from my search: Glyphosate in Food: Complete List of Products and Brands Filled With Dangerous Weed-Killer.

We've previously examined the “glyphosate causes [insert nasty disease here]” claims, as well as the nebulous benefits of buying anything marketed with a non-GMO sticker of any kind. Today I want to focus on a new review examining the claim that dangerous amounts of glyphosate show up in popular foods.

A team of scientists evaluated the research that has been done to date on the risk posed by glyphosate exposure through food. Writing in Comprehensive Reviews in Food Science and Food Safety, they reached a conclusion that may surprise the average LiveLoveFruit reader:

Conclusions of risk assessments, based on dietary modeling or urine data, are that exposures to glyphosate from food are well below the amount that can be ingested daily over a lifetime with a reasonable certainty of no harm.

All the authors are employees at Bayer, a major manufacturer of glyphosate-based weedkillers. Keeping in mind that the company has an incentive to defend its product, let's examine the article's findings, paying attention to whether or not they depart from the conclusions of other similarly extensive literature reviews.

Measuring pesticides in food

First, how do scientists measure pesticide residues in food, and how do they determine if consumers face a health risk from these exposures? Every pesticide employed by US farmers undergoes a rigorous review before it's approved by the Environmental Protection Agency (EPA). There are two key aspects to that process as it relates to food safety.

Using data from animal toxicology studies, The EPA determines the maximum exposure at which a chemical doesn't have a negative health impact, the no observed adverse effect level, or NOAEL. The agency then divides that number by a safety factor of 100 to 1,000 to reach a very conservative reference dose (rfD). The EPA then sets a tolerance for each pesticide it approves, which, the agency explains, "is the maximum permissible level for pesticide residues allowed in or on human food and animal feed."

The tolerance is used to ensure that pesticide users follow application directions. The US Department of Agriculture (USDA) and Food and Drug Administration (FDA) periodically test food samples to ensure that residue levels fall below the tolerance. The two agencies can confiscate food items that violate this standard.

Regulatory agencies worldwide follow some version of this extensive review process, and their results are often later validated in studies conducted by independent research groups. The new paper summed up the results this way:

Regulatory surveys are an important tool to ensure postmarketing phytosantitary vigilance and play an important role in regulatory risk assessment ... The ongoing surveys of glyphosate residues beginning with samples collected in 2010 (EFSA, 2013) and most recently with samples from 2018 (EFSA, 2020) suggest a high degree of compliance and provide no indication that residues have exceeded regulatory levels. Residue studies by nonregulatory agency investigators are helpful additional data beyond findings of regulatory agencies

Activist outfits, most notably the organic industry-funded Environmental Working Group (EWG), will protest that this conservative regulatory regime is inadequate. Knowing its target audience, concerned consumers, aren't familiar with the finer points of federal pesticide regulation, EWG sets artificially low standards for pesticide...
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**House Environment and Commerce Leaders Request Information from EPA about New Chemical Review Program**
Lynn L. Bergeson, Carla N. Hutton, Bergeson & Campbell Blogs
http://www.tscablog.com/entry/house-environment-and-commerce-leaders-request-information-from-epa-about-n

On August 17, 2021, Representatives Frank Pallone, Jr. (D-NJ), Chair of the House Energy and Commerce Committee, Diana DeGette (D-CO), Chair of the Subcommittee on Oversight and Investigations, and Paul Tonko (D-NY), Chair of the Subcommittee on Environment and Climate Change, sent a letter to U.S. Environmental Protection Agency (EPA) Administrator Michael Regan to request information regarding "concerning reported irregularities" in EPA's chemical review program. The Committee's August 17, 2021, press release states that "[a]ccording to recent allegations made by four whistleblowers -- each a current or former staffer in EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) -- the OCSPP has for many years downplayed the dangers of new chemicals and inappropriately interfered with risk assessments conducted pursuant to the Toxic Substances Control Act (TSCA)." The press release states that additional reports "have described the interference alleging that OCSPP manipulated the review of dozens of chemicals" to make the chemicals appear safer. EPA employees "were reportedly pressured to downplay evidence of chemicals' potential adverse effects such as cancer, birth defects, and neurological effects," and "EPA's scientific staff were subject to retaliation."

The August 17, 2021, letter requests a briefing from EPA, as well as written responses to the following issues:

Describe EPA's understanding as to the veracity of the complaints raised by whistleblowers regarding interference in the chemical program. Explain what actions, if any, EPA has taken to look into these allegations.
Is EPA considering reevaluating any chemicals in light of concerns that their review process may have been subject to interference or that they may include precursors to per- and polyfluoroalkyl substances (PFAS)? If so, describe the process and timeline for any reevaluation.
Does EPA have any ongoing or planned efforts to review and strengthen whistleblower protections? If so, describe these efforts, including the EPA office responsible for these improvements and any associated timelines.
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**Bayer Files "Hail Mary" Petition with U.S. Supreme Court after Losing Jury Verdicts on Cancer Causing Roundup/Glyphosate**
N/A, Beyond Pesticides
https://beyondpesticides.org/dailynewsblog/2021/08/bayer-files-hail-mary-petition-with-u-s-supreme-court-in-attempts-to-avoid-repercussions-for-sales-of-carcinogenic-roundup/

Multinational chemical company Bayer filed a petition with the U.S. Supreme Court this week, seeking a reversal of a lower court verdict that established Bayer liable for damages from the use of its weed killer Roundup. After purchasing Roundup-maker Monsanto in 2018, Bayer has been mired in a deluge of court battles from injured customers throughout the country who assert that their use of the glyphosate-based herbicide resulted in their cancer diagnosis. Bayer, for its part, has consistently lost these court cases. The company's Supreme Court petition is now regarded as its best and last chance to avert responsibility for the ongoing harm to public health caused by its carcinogenic herbicide.

Bayer's Supreme Court challenge pertains to the Hardeman v. Monsanto case. In that suit, a California court found unanimously in favor of the plaintiff, Edwin Hardeman. Mr. Hardeman told the jury he had used Roundup since the 1980s to spray poison oak and weeds around his property, resulting in his diagnosis of non-Hodgkin lymphoma in 2014. He was awarded $5.27 million, while his punitive damages were ultimately reduced from $75 to $20 million.

Bayer is bringing two main arguments to the Supreme court. First, the company is making a preemption argument, saying that U.S. federal pesticide law, the Federal Insecticide Fungicide and Rodenticide Act (FIFRA), preempts state-level "failure-to-warn" claims that act as the basis for the Hardeman suit. To prevail under California's failure-to-warn law, plaintiffs must prove that the product had knowable risks, the risks presented were substantial if used in a reasonably foreseeable manner, consumers would not have recognized those risks, defendants failed to warn consumers, and consumers were thus injured as a result.

On this issue, the U.S. Ninth Circuit Court of Appeals affirmed a lower court ruling that state failure-to-warn claims were "equivalent to" and "fully consistent with" FIFRA, and that because the company had the ability to comply with both FIFRA and California law, FIFRA did not preempt plaintiff claims. Bayer's argument to the Supreme Court rests upon the cover that the U.S. Environmental Protection Agency provided the company over the years. Bayer argues that because EPA did not approve labels with a cancer warning, and the agency has repeatedly said that such a label was not appropriate, failure-to-warn claims should not apply.

Bayer's second argument centers around the Ninth Circuit's admission of expert testimony, which the company says violates court precedent and federal rules. The Ninth Circuit held that a district court applied the correct standards in admitting expert testimony in the Hardeman case. This issue centers significantly around causation experts use of epidemiological evidence, a strong and growing body of literature linking glyphosate to cancer which EPA and pesticide manufacturers have regularly discounted.

In apparent attempts to calm the market, the company has gamed out scenarios where it does and doesn't win at the Supreme Court. Prior to the filing the petition, Bayer announced that it would end sales of Roundup to residential consumers, as part of a "five-point" planned aimed solely at averting litigation risk – not in order to protect U.S. residents from its hazardous product.

Mr. Hardeman's lawyers told U.S. Right to Know (USRTK) they were prepared for this fight. "While paying out billions of dollars to settle claims, Monsanto continues to refuse to pay Mr. Hardeman's verdict. That doesn't seem fair to Mr. Hardeman. Even so, this is Monsanto's last chance Hail Mary," attorney Aimee Wagstaff told USRTK. "We are eager and ready to beat Monsanto at the Supreme Court and put this baseless preemption defense behind us once and for all."

Bayers purchase of Monsanto has been characterized as "One of the Worst Corporate Deals" in recent times by the Wall Street Journal. Its first major loss centered around California school groundskeeper Dewayne...
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**Opinion: Help farmers off the pesticide treadmill**
Charles Benbrook, Thomas Green, The Capital Times
https://madison.com/ct/opinion/column/opinion-help-farmers-off-the-pesticide-treadmill/article_a24bf24e-b82d-5c1f-b438-36b21bca2a5e.html

In the late 1990s Wisconsin soybean farmers eagerly adopted Roundup Ready crops genetically engineered by Monsanto to be immune to the effects of Roundup herbicide and other weed-killing pesticides containing glyphosate. All of a sudden, farmers could spray entire soybean fields and eliminate weeds without harming the crop. Controlling weeds became faster and simpler, and steadily rising costs stabilized.

In the year 2000, a single application of glyphosate achieved season-long control on most Roundup Ready soybean fields. Fast-forward to crop season 2021 and the average Wisconsin soybean field will likely be treated with about three different herbicides. Plus, the dose of glyphosate needed to control weeds has risen 15%.

What happened? The increase in herbicide use has been driven by the spread of herbicide-resistant weeds. On many farms, growers are contending with three different resistant weeds. Resistance develops when herbicides are applied repeatedly. This leads to what is called the "pesticide treadmill," where more applications and more herbicides are needed to successfully control weeds. Now more than 40 types of weeds are resistant to glyphosate.

The pesticide-seed-biotech industry has responded by moving more herbicide-resistant genes into the most popular soybean, corn and cotton varieties. This response has locked farmers into weed management systems progressively more dependent on herbicides. This strategy may buy a little time, but it comes at increasingly high costs to farmers, rural communities and possibly public health.

Herbicide use and costs are increasing. Seed price inflation has reached historic proportions. A transfer of income per acre is occurring from farmers to pesticide-seed companies. More herbicide drift and damage is being reported to nearby crops, backyard gardens, shelter-belts, orchards and iconic trees.

Herbicides known to raise the risk of reproductive problems and adverse birth outcomes account for much of the increase in herbicide use in the last five years. The use of dicamba and 2,4-D is rising the fastest — two herbicides also classified as possible human carcinogens by the International Agency for Research on Cancer. Is this triggering more frequent and/or more serious adverse impacts on birth outcomes and children's development? We are part of Heartland Health Research Alliance (HHRA), an organization composed of scientists, doctors, health care delivery professionals, communications and policy experts.

Our current flagship project, the Heartland Study, will enroll 2,000 mother-infant pairs early in pregnancy. We will quantify herbicide levels in urine, search for genetic changes and determine whether those women most heavily exposed to herbicides were more likely to have difficult pregnancies or deliveries, or give birth to newborns with developmental problems or birth defects. The Gundersen Medical Center in La Crosse is among the hospitals in the Midwest participating in the Heartland Study.

We are acutely aware of the weed-management challenges facing Wisconsin farmers and hope to generate new science

that will help guide changes in weed control systems sufficient to prevent adding another problem to the list.

We suggest four concrete steps in a just-published commentary entitled "Novel Strategies and New Tools to Curtail the Health Effects of Pesticides."

First, studies supporting EPA pesticide regulatory decisions should be carried out by scientists not working for or aligned with pesticide manufacturers. This important research should be funded through grants to universities and public research institutions and paid for via pesticide registration fees.

Second, we need to invest more resources in measuring pesticide levels in people. Biomonitoring is by far the most accurate way to track changes in human exposures over time and across regions. Accurate estimates of real-world exposures are especially vital when, like today, overall pesticide reliance is rising...
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**PFAS are vital to enabling our lives in the 21st century**
Robert Simon, The Hill
https://thehill.com/opinion/energy-environment/568222-pfas-are-vital-to-enabling-our-lives-in-the-21st-century

Few topics in the chemical industry have attracted as much attention in Congress and with policymakers across the country as per- and polyfluoroalkyl substances, known as PFAS. Critics have applied the catchy but misleading term "forever chemicals" to the entire class of chemistry and have urged broad measures to regulate all PFAS out of existence entirely.

But broad-brush regulatory measures urged by some critics ignore the science around PFAS and would be highly disruptive to Americans' lives and the overall American economy, including key sectors that rely on this beneficial technology.

So, what are PFAS, exactly, and how are they used?

PFAS often referred to as fluorinated chemicals or FluoroTechnology, are a diverse group of chemistries characterized by the strong bond between fluorine and carbon. Those chemistries provide a unique combination of properties that often cannot be replicated with non-fluorinated alternatives. These chemicals give products especially strong, durable, heat-resistant and chemically stable properties.

Many sectors of our economy depend on the use of PFAS: aerospace, alternative energy production, automotive, building and construction, electronics, large capacity batteries, pharmaceuticals, healthcare, oil and gas, and semiconductors, to name a few. Several of these sectors have been identified as priorities by the Biden administration in its Feb. 24 executive order on "America's Supply Chains" and June 4 "100-Day Reviews."

PFAS help make possible the cellphones, tablets and telecommunications we use every day to connect with our friends and family; the aircraft that power the U.S. military; and wind and solar power that help enable alternative energy sources.

In fact, PFAS are components in COVID-19 testing equipment, personal protective equipment (PPE) and used in vaccine distribution, all uses which are helping save lives around the world in the midst of the pandemic.

Simply banning or regulating all PFAS out of existence would be hugely disruptive to our economy, our way of life and our future, as there are no practical substitutes for many PFAS applications.

Industry recognizes there are concerns over some PFAS chemistries, and has responded to the science.

The fact is that most of the attention on PFAS has focused on a handful of substances that are no longer produced in the

U.S., Europe, Japan and elsewhere. Our industry has also supported global regulation of these substances.

And in the United States, there is a regulatory process explicitly established for new PFAS chemistries, under which new PFAS substances are subject to testing requirements and controls to allow them entry into the market. This program has specific testing requirements related to ensuring the safety of human health and the environment, like cancer, reproductive/developmental factors, ecological endpoints and environmental persistence.

It is essential for policymakers to understand that all PFAS are not the same.

According to the U.S. Environmental Protection Agency (EPA), "approximately 600 PFAS are manufactured (including imported) and/or used in the United States." These include PFAS in solid, liquid and gaseous forms. Obviously, the fundamental physical, chemical and biological properties of solids, liquids and gases are clearly different from one another. Accordingly, it would be inadequate and inappropriate to simply group all those chemistries together to apply blanket regulations.

That is not leading with science. The limitations and potential downsides of a "one-size-fits-all" approach to regulating PFAS have been highlighted by various state and federal entities, including the Environmental Council of States and the Vermont Department of Environment Conservation.

However, the grouping of some substances within the larger class of PFAS chemistries — based on similar physical, chemical and biological properties — can guide the assessment and regulation of...
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**Practical Tips for Managing the Risks of PCBs in Building Materials**
Rachel K. Roberts, David C. Weber, Loren R. Dunn, Augustus E. Winkes, The National Law Review
https://www.natlawreview.com/article/practical-tips-managing-risks-pcbs-building-materials

Even though polychlorinated biphenyls (PCBs) have not been manufactured in the U.S. for over forty years, they continue to be present in building materials, including in caulk and joint materials, paint, siding, roofing, and light ballasts. PCBs are more common in structures built or renovated between 1950 and 1980. The ongoing presence of PCBs can create risks for building owners and material manufacturers. To mitigate those risks, it is important to identify, remove, and properly dispose of building materials containing PCBs.

Litigation Risks
The current wave of litigation on PCBs in building materials is focused on schools. A jury in Washington State recently awarded $185 million to three teachers who claimed that PCBs in fluorescent light ballasts caused them brain damage. These plaintiffs are just the first of about 200 in the case. In 2016, a judge in California ordered the Santa Monica-Malibu school district to remove all PCBs from two schools by 2019. The recent high-dollar verdict in Washington will likely embolden additional plaintiffs to bring similar suits.

The Toxic Substances Control Act (TSCA) governs the use and disposal of PCBs. Under TSCA, any building material containing at least 50 parts per million (ppm) of PCBs is considered a "prohibited use," and should be removed.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and its state analogues impose strict liability on owners and operators of facilities that released hazardous substances or arranged for their disposal. In the building materials context, this can mean liability for owners and operators of buildings where PCBs from building materials were released into soil, groundwater, or stormwater. It can also mean potential liability for parties that dispose of PCB-contaminated material during building renovations and demolition. PCB removal projects are complex and involve close regulatory oversight.[i]

Best Practices
1. Identification of PCB-Containing Building Materials

While building owners and operators are not required to test building materials for PCBs if they are not being disturbed or disposed of, owners and operators may voluntarily test building materials they suspect contain PCBs. If owners or operators decide to test voluntarily, testing indoor air, getting wipe samples from building surfaces, reviewing building records, and compiling an inventory of materials that may contain PCBs can help the building owner or operator narrow down testing locations. Any sampling plan should take into account current and future plans for the building and project remediation goals. Rather than test, a building owner or operator can also assume all of the suspected manufactured PCB products contain greater than 50 parts per million (ppm).

EPA recommends that owners or operators prioritize removal of PCB-containing material by considering the concentrations of the PCBs, the condition of the PCB-containing material (for example, if caulk is cracking or peeling), the accessibility of the materials to building occupants, and whether the PCB-containing materials are in areas with higher occupancy. In particular, caulk can contain up to 50% PCBs and even caulk in lower concentrations can pose problems if it is peeling, brittle, or cracking.

2. Planning

PCBs are most likely to be released from a building during demotion or renovation, so it is particularly important to test materials for PCBs when planning a demolition or renovation. Identifying materials containing PCBs prior to beginning work will help construction owners and operators determine whether they need to expand the scope of work for the renovation to include disposal of PCB waste.

A party planning to remove PCB-containing building material may need to obtain approval from EPA prior to starting the project, and should complete an abatement plan for removal, disposal, and additional sampling. Operators and owners should consider controls to prevent releases...
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